

Chevy Chase Village Board of Managers

July 10, 2006

BOARD OF MANAGERS

Douglas B. Kamerow, Chair	Absent
David L. Winstead, Vice Chair	Present
Susie Eig, Secretary	Present
Gail S. Feldman, Treasurer	Present
Betsy Stephens, Assistant Treasurer	Absent
Peter M. Yeo, Board Member	Present
Robert L. Jones, Board Member	Absent

STAFF

David R. Podolsky, Legal Counsel	Present
Geoffrey B. Biddle, Village Manager	Present
Roy A. Gordon, Police Chief	Present
Shana R. Davis-Cook, Manager of Administration	Present
Michael W. Younes, Administrative Assistant	Absent

David L. Winstead, Vice Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:30 p.m. Dr. Kamerow, Ms. Stephens and Mr. Jones were absent.

Approval of Minutes from the June 12, 2006 Board Meeting

Ms. Eig submitted changes to the minutes from the June 12, 2006 Board of Managers' meeting, a draft of which was circulated to the Board prior to the meeting.

Ms. Eig made a motion to approve the minutes of the June 12, 2006 Board Meeting as amended. Ms. Feldman seconded the motion. Mr. Winstead, Ms. Eig, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed.

Treasurer's Report

Copies of the Treasurer's report were distributed to the Board prior to the meeting. A discussion followed regarding the Village's reserves outlook.

Committee Reports

Building Facilities Commission

No members of the Commission were in attendance. Mr. Biddle advised that the renovation of the former administrative offices into a small conference room proceeds in good stride. The 2006 Holiday Party is the deadline for completion. Discussion followed.

Mr. Yeo advised of Movie Night and Parents' Night Out events held during the month of June, sponsored by the Committee on Children, Youth and Families. Discussion followed.

Brookville Road Working Group

Mr. Biddle explained that the walking tour performed by Village staff and representatives from the engineering firm of Rummel, Klepper & Kahl (RK&K) and the State Highway Administration (SHA) focused primarily on concerns relating to the Americans with Disabilities Act (ADA) requirements for the minimum width of the walkway. SHA's District Engineer, Darrell Mobley, recommended the Village look for areas where increased width can be achieved and to request waivers for only those specific sections that must be narrower than the ADA's standard five foot width requirement. Prior to this meeting, the Group intended to request a waiver for the entire section of proposed walkway measuring 3,000 feet in length. Additionally, SHA representatives stated that storm water quantity and management issues would need to be identified and addressed regardless of whether the walkway is designed "at-grade" or elevated with a curb face. Mr. Biddle explained that the Working Group would begin meetings again in the autumn. RK&K will develop a proposal over the summer to redraw the walkway accommodating SHA's recommendation to find increased width where possible.

Ms. Eig asked if the overall project could be split into sections so the Village could proceed in gaining approval for the sections that comply with ADA requirements first, and seek approval for the sections requiring ADA waivers at a later time. The Board supported proceeding in this manner. Mr. Biddle stated that he would present this scenario to SHA. Mr. Biddle stated that, with the Working Group's concurrence, he would work during the month of September to acquire consent from abutting neighbors to gain access to their properties in hopes of proceeding to SHA for a 5-foot wide walkway. Discussion followed.

Decisions on Previous Appeals

None.

Appeals

A-5121: Ms. Robin Heller, 19 Grafton Street—Replace the existing asphalt driveway with a concrete paver driveway that would be: a) twenty-four feet (24') wide on private property, and b) and twelve feet, eight inches (12'-8") wide in the public right-of-way. The resident, Robin Heller, and her landscape architect, Scott Fritz, were in attendance and presented the request. Ms. Heller explained that they had a revised site plan addressing the drainage on the property, which Mr. Fritz circulated to the Board members. Ms. Heller explained that there is currently a drain at the back of the driveway that is not handling the current flow of water. The proposed drain would lead to and be cut through the curb on Grafton Street. Ms. Heller explained that she would restore the entire length of Village sidewalk and proposed to split the aprons at the curbside between 19 and 17 Grafton Street, between which grass would be installed. Discussion followed.

Ms. Eig made a motion to direct Counsel to draft a decision approving the replacement of the existing asphalt driveway with a concrete paver driveway that would be: a) twenty-four feet (24') wide on private property, and b) and twelve feet, eight inches (12'-8") wide

in the public right-of-way, with the condition that the applicant must coordinate with the Village arborist for the preservation of trees at 17 Grafton Street. Mr. Yeo seconded the motion. Mr. Winstead, Ms. Eig, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed. Ms. Heller requested expedited approval of the decision.

A-5122: Mr. and Mrs. Christopher Abell, 14 West Irving Street—Install a driveway in brick pavers with: a) a maximum width of eighteen feet (18') and length of twenty feet (20') on private property, and b) a width of eighteen feet (18') in the public right-of-way and an apron that would increase the width to twenty four feet (24') at the curbside. The resident, Trish Abell, and her architect, Robert Lach, of GTM Architects were in attendance and presented the request. The Board heard testimony in support and in opposition to the request. Discussion followed.

The applicants requested a continuance of their requests and stated that in the interim they would apply to the Montgomery County Board of Appeals for a waiver of the County's driveway requirements and/or work with Village staff to find a Code compliant width configuration for the driveway.

A-5118: Mr. and Mrs. Zeinolabedin Guerami Diznab, 142 Hesketh Street—Demolition of main residence. Architect H. Ray Izadi and owner Zeinolabedin Guerami Diznab were in attendance and presented their request. Mr. Biddle explained the procedures for a controlled burn proposed by the local fire department.

Jonathan Hill of 145 Hesketh Street testified that he supports the demolition of the house, but he is concerned by the Fire Department's proposed "controlled burn" at the house. He also expressed concern regarding vehicle parking.

David Blotner of 140 Hesketh Street testified that he opposes the proposed burning, but supports the demolition and expressed concern regarding traffic and the placement of dumpsters.

Leslie Hill of 145 Hesketh Street testified that she opposes the proposed Fire Department exercises and commented on the narrowness of the roadway. Discussion followed.

Ms. Eig made a motion to direct Counsel to draft a decision approving the demolition of the main residence provided the existing house is not to be used for fire department training exercises that involve burning. Mr. Yeo seconded the motion. Mr. Winstead, Ms. Eig, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed. Mr. Guerami Diznab requested expedited approval of the decision.

A-5119: Mr. and Mrs. Zeinolabedin Guerami Diznab, 142 Hesketh Street—Replace and widen the concrete driveway. The proposed driveway would have a total maximum width of twenty-five feet (25') and a length of twenty-seven feet (27') on private property at the apron entrance to the proposed garage. Architect H. Ray Izadi and owner Zeinolabedin Guerami Diznab were in attendance and presented their request.

Jonathan Hill of 145 Hesketh Street testified that he agrees with the applicants' proposal to have a side-entry garage so that the garage faces Wisconsin Avenue rather than Hesketh Street.

Sheri Blotner of 140 Hesketh Street expressed concern regarding the size of the house and agreed with Mr. Hill that the garage should face Wisconsin Avenue.

Suparno Banerjee of 141 Hesketh Street stated his support in having the garage face Wisconsin Avenue rather than facing Hesketh Street.

David Blotner of 140 Hesketh Street said he agreed with his neighbors that the garage should face Wisconsin Avenue.

Diane Kartalia of 5412 Grove Street testified that she has a two-car garage and that proper turning radius is necessary to avoid property damage by vehicles attempting garage ingress and egress.

Anne Strahota of 5510 Grove Street suggested that permitting the applicants to have a usable three-car garage would keep one more parked car off of Hesketh Street. Discussion followed.

Ms. Eig made a motion to direct Counsel to draft a decision approving the replacement and widening of the concrete driveway, provided the driveway has a total maximum width of twenty-four feet (24') and a length of twenty-five feet (25') on private property at the apron entrance to the proposed garage. Mr. Yeo seconded the motion. Mr. Winstead, Ms. Eig, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed.

A-1558: Mr. and Mrs. Zeinolabedin Guerami Diznab, 142 Hesketh Street—Removal of one Red Maple tree measuring 25.5 inches in diameter located in the rear yard of the property to accommodate a proposed new main residence. Architect H. Ray Izadi and owner Zeinolabedin Guerami Diznab were in attendance and presented their request. Discussion followed.

Sheri Blotner of 140 Hesketh Street testified that the tree proposed for removal is in the middle of the applicants' rear yard, and that while she would like the tree to be preserved, she could not imagine how it would be possible to build a new house without losing the tree.

David Blotner of 140 Hesketh Street stated that he would like the applicants to reforest if the tree is approved for removal.

An e-mail was received from Bob Elliott, Chair of the Village Tree Committee, who indicated that he would approve the removal of the tree because it is necessary to construct the new house. Discussion followed.

Ms. Feldman made a motion to direct Counsel to draft a decision approving the removal of one Red Maple tree measuring 25.5 inches in diameter located in the rear yard of the property to accommodate a proposed new main residence provided the applicants reforest with at least three deciduous hardwood trees that must be at least 2 ½ inches in caliper at

the time of installation and must be of a species that achieves a mature height of at least 45 feet. Mr. Yeo seconded the motion. Mr. Winstead, Ms. Eig, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed.

Old Business

Resolution No. 07-01-06: Amendment of the Fee Schedule; and Resolution No. 07-02-06: An Ordinance to amend Chapter 6 of the Chevy Chase Village Code to amend the Schedule of Fines to increase the fines for failure to obtain a permit and failure to obtain approval for modification of or deviation from approved plans. Discussion followed in support of and in opposition to the proposed fee increases. Mr. Biddle explained that the fees were initially proposed for increase in an effort to recoup costs for processing permits approved by the Village Manager, public hearings and ongoing project monitoring and enforcement. Discussion followed.

Mr. Yeo, Mr. Biddle and Budget Committee Chair Samuel Lawrence will continue to work on the proposed fees. A draft will be printed in the *Crier* prior to the Board's next discussion on the matter. The listing printed in the *Crier* will include the proposed fees, the underlying rationale for the increase and each matter's frequency. Discussion followed.

New Business

Mark Talisman of 8 Grafton Street thanked Mr. Biddle for his assistance with the recent storm damage. Mr. Talisman proceeded to state his frustration with the apparent *Comcast* monopoly. He encouraged the Board to continue its review of proposals to alleviate the cable monopoly within the Village. Mr. Talisman said he felt the Board needed to make a decision which would serve the best interests of the Village and requested accelerated efforts by the Board to get another cable supplier into the Village. He stressed that additional suppliers would ensure better performance.

Mr. Talisman concluded by requesting increased enforcement of the two yield signs at Grafton Street and Magnolia Parkway as you enter Chevy Chase Circle.

Donation Request—Ellen's Run: Phyllis Kass of 33 West Irving Street and Paul Kaplun, Committee Chair for Ellen's Run were in attendance and presented their request. Mr. Kaplun explained that the 5k run/walk was intended to honor former Village of Chevy Chase Section 5 resident, Ellen Schneider, who died in February 2006 and would benefit two organizations that were supported by Ms. Schneider, namely the Bethesda-Chevy Chase (B-CC) High School Community Scholarship Fund and Mental Health Association of Montgomery County. He explained that the surrounding municipalities were also being approached and asked to contribute. Mr. Winstead suggested including an article in the September 2006 *Crier* explaining the purposes of the contribution and publicizing the run/walk. Mr. Kaplun asked if the information could also be placed on the Village's bulletin board and for a link to be provided to the Ellen's Run website from the Village website. Mr. Kaplun offered to have someone in attendance at the September 11, 2006 Board of Managers' meeting to explain the B-CC Scholarship Fund in more detail. Mr. Winstead stated that the Board would take the request

under advisement and look into the proper protocol for contributing toward a request of this nature for a vote at its September 11, 2006 meeting. Discussion followed.

Contract Awards: Mr. Biddle requested authorization from the Board to award/enter-into the following contracts:

Police—Cruiser Replacement: \$28,000, to be purchased under a Maryland State Contract; a programmed replacement.

Public Works—Pickup Truck Replacement: \$29,000, to be purchased under a Maryland State Contract; a programmed replacement.

Public Works—Leaf Vacuum Purchase: \$17,000, to be the second unit for Public Works.

Administration—Copier Replacement: \$13,500, GSA schedule pricing.

Ms. Eig made a motion to approve all requested contracts within the FY2007 budget. Mr. Winstead seconded the motion. Mr. Winstead, Ms. Eig, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed.

Chairman's Report

None.

Manager's Report

Emergency Preparedness Questionnaire

Mr. Biddle stated that 8% of Village residents responded to the questionnaire with 14-15 residents volunteering to serve as emergency planners along with Kathy Jones of 1 Newlands Street and Oliver Davidson of 3915 Oliver Street.

Resident Survey

Mr. Biddle stated that he would circulate a first draft of the Resident Survey to the Board members within the following week.

Storm Damage on July 4

Ms. Eig commended the Public Works Department and Treemasters crews for their response to the storm damage that occurred the afternoon of July 4. She said that she heard from several other residents who also commended the work performed in clearing fallen trees. Discussion followed.

Police Report

Copies of the monthly Police Report were distributed to the Board prior to the meeting. Discussion followed.

Mr. Yeo made a motion to adjourn the open meeting to convene in Executive Session to discuss Montgomery County's cable television franchising system with Village Counsel. Ms. Feldman seconded the motion. Mr. Winstead, Ms. Eig, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed. The meeting adjourned at 10:50 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.